

United States Environmental Protection Agency
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901



November 7, 2003

Jerry Pell
Office of Fossil Energy (FE-27)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Subject: Draft Environmental Impact Statement (DEIS) for the Tucson Electric Power
Company Sahuarita-Nogales Transmission Line, Pima and Santa Cruz Counties,
Arizona (CEQ #030386)

Dear Dr. Pell:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The DEIS analyzes three alternative routes for placing the proposed 345,000 volt transmission line and identifies the Western Corridor as the Department of Energy's Preferred Alternative. The document is clearly written and provides a good comparison of alternatives.

Based on our review of the DEIS, EPA has environmental concerns about potential water and air quality impacts associated with the project's construction and placement of the transmission line structures. We are also requesting additional information regarding the participation of environmental justice communities in DOE's decision-making process, and how identified conflicts with affected Tribes will be resolved. EPA also seeks clarification on potential transboundary effects, cumulative effects, and the identification of the Western Corridor as the Preferred Alternative.

For these reasons, we rate the DEIS as Environmental Concerns - Insufficient Information (EC-2). EPA's rating and a summary of our concerns will be published in the Federal Register. Please refer to the attached "Summary of EPA Rating Definitions" for a description of EPA's rating system.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send two copies to the address above (mail code: CMD-2). If you have any

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questions, please contact me or David P. Schmidt, the lead reviewer for this project. David can be reached at 415-972-3792 or schmidt.davidp@epa.gov.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office
Cross Media Division

Enclosures:

EPA's Detailed Comments
Summary of EPA Rating Definitions

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EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR
THE TUCSON ELECTRIC POWER COMPANY SAHUARITA-NOGALES TRANSMISSION LINE,
November 7, 2003

Water Resources

The descriptions of Water Resources in the *Affected Environment and Environmental Effects* sections of the DEIS (Sections 3.7 and 4.7, respectively) provide information on the current environment and potential impacts. However, there are some inconsistencies in the descriptions provided, as well as insufficient information that does not allow for a full evaluation of potential impacts.

The DEIS states that since no transmission line structures are proposed within 400 feet of the international border, surface drainage would not be affected and no increase in volume, peak runoff, or flow, in either direction across the border would occur from the proposed construction. This statement does not take into account possible surface water effects of transmission line structure placement in Mexico impacting surface water sources in the U.S. (Section 4.7.1 p. 4-81).

Under the discussion of Affected Environment (Chapter 3), there are numerous references to water bodies that are either not sufficiently described or that contradict statements made in Appendix C (Floodplain/Wetlands Assessment). This missing or contradictory information makes it difficult to fully assess potential impacts of the proposed project on water quality. For example, under the Tumacacori Ecosystem Management Area (EMA) discussion (Section 3.7.1, p. 3-70, paragraph 5), the DEIS does not identify or characterize the three perennial streams in the EMA. These streams are not identified on Figure 3.7-2, p. 3-72 (Surface Waters and Watersheds Within the Coronado National Forest). This information also conflicts with Appendix C, Section C.1.2.1, p. C-8, which states that no perennial streams, lakes or reservoirs are within the proposed corridors.

In addition, the DEIS does not evaluate or discuss the effect of the project alternatives on the surface water resources and water quality within the EMA, only indicating that best management practices would be used to mitigate potential impacts to water resource parameters (Sections 4.7.1.1, 4.7.1.2, and 4.7.1.3, pps. 4-83 - 4-84).

Recommendations:

The FEIS should identify the placement of transmission towers in Mexico adjacent to the border, and assess potential impacts to surface drainage under various flow conditions. The Water Resources sections of Chapter 3 (Affected Environment) and Chapter 4 (Environmental Effects), as well as Appendix C should include an accurate identification and characterization of all water bodies. An analysis of the impacts of the proposed alternatives on these water resources should also be performed.

Comment No. 1

The Final EIS has been revised per the commentor's suggestions. Section 3.7.1, Floodplains, Wetlands, and Surface Water, of the Final EIS has been revised to clarify that no transmission line structures are proposed within 400 ft (122 m) of the U.S.-Mexico border, either in the United States by TEP, or in Mexico (see Section 1.1.1 regarding construction of a connecting transmission line in Mexico). The Federal agencies do not have specific information on the project design and construction in Mexico. However, as discussed in Section 3.7.1, the USIBWC would not approve any construction in the United States that increases, concentrates, or relocates overland drainage flows into either the United States or Mexico. A similar requirement would apply to any construction in Mexico. Prior to construction of the selected corridor, TEP would provide site-specific drawings to USIBWC for approval along with any hydrological or hydraulic studies for work proposed in the vicinity of the U.S.-Mexico border. Given the setback distance of 400 ft (122 m) from the border in Mexico, any impacts in the U.S. such as erosion, sedimentation, or surface drainage impacts would be minimal.

Figure 3.7-2, Surface Waters and Watersheds within the Coronado National Forest, was revised in the Final EIS to clarify the locations of perennial streams in the analysis area for the proposed project. In addition, Section C.1.2.1, Watercourses, in Appendix C was revised in the Final EIS to indicate that Peck Canyon, portions of which contain a perennial stream, is within the east-west segment of the Crossover Corridor. The other drainages crossed by the corridors are normally dry washes for which little or no characterization data are available. Locations of most named washes are given in EIS Figures 3.7-1, 3.7-2, and 3.7-3. Floodplain information for those washes with delineated floodplains is included in Appendix C.

Section 4.7.1.1 addresses the potential impacts to surface water resources and water quality for the entire project, including impacts within the Tumacacori EMA, stating that impacts would be from increased erosion and subsequent siltation. Section 4.7.1.1 also states that potential effects related to stream crossings include increased sedimentation, changes in stream morphology including substrate composition, and changes in the ability of the stream to support vegetation and wildlife. USFS holds an agreement

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Air Quality

2 The DEIS lists numerous assumptions that were used for estimating the fugitive dust and other emissions that would be generated during construction in each of the proposed corridors (Section 4.8.2, pps. 4-90 - 4-91). These estimates are used in performing the conformity analysis required under the Clean Air Act. The assumptions used in the DEIS do not include the potential for dust generated by the use of helicopters (as described in the document) during construction in the Coronado National Forest and in the U.S. Mexican border area.

Recommendation:

For tower sites and stringing operations where workers or equipment are to be inserted by helicopters, the FEIS should consider including an assumption for helicopter-generated dust when performing calculations for the Nogales PM₁₀ (particulate matter with a diameter less than or equal to 10 microns) moderate non-attainment area.

Environmental Justice

3 The DEIS provides a good description of how minority and low-income populations were identified using data from the 2000 Census. The analysis supports the conclusion that no disproportionate adverse impacts would be expected for those populations in the three alternative corridors. The document does not address the environmental justice impacts of the no action alternative. In addition, there is no information provided in the document as to approaches used to foster public participation by these populations (either during the scoping process or development of the DEIS). For example, the analysis of the Census data documents a large Hispanic population, yet there is no indication that public outreach efforts included translation of documents into Spanish or opportunities for translation of public comments.

Recommendations:

The FEIS should document if the no action alternative (not building the proposed transmission line) would have an adverse effect on residents in the Nogales area (low-income population), since part of the purpose of the project appears to include meeting the electric demands of the Nogales community. The FEIS should also document the public involvement methods used to support environmental justice findings. Assessment of the project's impact on minority and low-income populations should reflect coordination with those populations affected.

Tribal Concerns

4 The proposed project is within the traditional territories of twelve Native American tribes. The Department of Energy (DOE) initiated formal government-to-government consultation in November of 2001. Seven of the twelve tribes have indicated they have concerns about the project and that portions of the project's area of potential effect (APE) are important to them.

Comment No. 1 (continued)

with the Arizona Department of Environmental Quality that designates USFS as the planning and management agency in the context of the State of Arizona's Water Quality Management Program on National Forest System lands. The vehicle for controlling potential nonpoint pollution sources from forests is through development of Best Management Practices (BMPs) that mitigate possible pollution.

The analysis of potential impacts to surface water resources and water quality for the Western Corridor in Section 4.7.1.1 is also referenced for the Central and Crossover Corridors in Sections 4.7.1.2 and 4.7.1.3, respectively.

Comment No. 2

Section 4.8.3, *Clean Air Act* Conformity Requirements, has been revised to calculate the impacts of helicopter-generated dust associated with construction of the proposed project within the Nogales PM₁₀ moderate nonattainment area.

Comment No. 3

Section 4.13.2 of the EIS addresses environmental justice for the No Action Alternative. This section has been revised in the Final EIS to clarify that, under the No Action Alternative, Santa Cruz County would continue to experience unreliable electric supply. Unreliable electric supply has the potential to cause health and safety impacts. These adverse impacts of No Action would not be experienced disproportionately by minority and low-income populations in the affected area.

Section 1.6 of the Final EIS states that a factsheet translated into Spanish has been provided on the proposed project website maintained for DOE (www.ttclient.com/TEP). In addition, Section 1.6 has been revised to describe public outreach activities designed to include non-English-speaking populations.

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cont.

The seven tribes are the Ak-Chin Indian Community, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, the Tohono O'odham Nation, the Hopi Tribe, the Mescalero Apache Tribe, and the Pascua Yaqui Tribe. Tribal concerns are related to disturbance of human remains, natural features which are important in the cultural landscape, and impacts to archaeological features and culturally significant plants and animals. No traditional cultural properties (TCPs) have been identified or located by Native American tribes within the proposed project corridors (Section 3.4.2.2, pp. 3-54 - 3-55).

Recommendations:

The FEIS should include a description of how tribal concerns were considered in the identification of the Preferred Alternative, given the stated opposition by some tribes to the Western Corridor. Also, prior to development of the FEIS, additional consultation should be conducted to address tribal concerns in greater detail, including the identification and analysis of traditional cultural properties.

Transboundary Effects

The DEIS states that the proposed transmission line would continue from the Gateway Substation (west of Nogales, Arizona) across the U.S.-Mexican border for approximately 60 miles and interconnect with the Santa Ana Substation of the Comision Federal de Electricidad (Mexico's national electric utility). The document does not provide information about the construction of the transmission line in Mexico or the proposed route of the line. In addition, the DEIS does not provide information that would allow readers to evaluate and comment on potential environmental impacts that could occur in Nogales, Arizona, due to the extension of the transmission line into Mexico.

Recommendation:

The FEIS should identify the agency responsible for construction of the transmission line in Mexico and provide a discussion of the applicability of Executive Order 12114 *Environmental Effects Abroad of Major Federal Actions* to the proposed action. In accordance with the *CEQ's Guidance on NEPA Analyses for Transboundary Effects*, July 1, 1997, the FEIS should also discuss the reasonably foreseeable environmental effects that may occur in Nogales, Arizona, as a result of the new transmission line providing power to northern Mexico and Nogales, Sonora.

Cumulative Effects

The DEIS states that if the proposed project was constructed, Citizens Communication Company (Citizens) would likely construct a new transmission line between the proposed Tucson Electric Power Company (TEP) Gateway Substation and the existing Valencia Substation. This project is under review by the Arizona Power Plant and Transmission Line Siting Committee (Section 5.2, p. 5-1, paragraph 5). If this new transmission line is an

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Comment No. 4

Section 1.4 of the Final EIS describes the Federal agencies' preferred alternatives. The final decisions of each Federal agency will be explained in their respective RODs, or as a letter of concurrence in the case of the USBWC (see Section 1.6.6).

Between issuance of the Draft and Final EIS, the Federal agencies continued to conduct additional tribal consultations, and the results of these consultations are reflected in Section 4.4.2, Native American Concerns.

The Federal agencies are developing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected. Prior to ground-disturbing activities in any approved corridor, a complete on-the-ground inventory would be conducted by professional archaeologists in accordance with provisions of Section 106 of the National Historic Preservation Act (NHPA). Efforts to identify cultural resources would also include historical document research and continued consultation with Native American tribes regarding potential traditional cultural properties and sacred sites. Identified cultural resources would be evaluated in terms of National Register eligibility criteria and potential project effects in consultation with all parties who are participants in the Programmatic Agreement.

Wherever possible, power poles, access roads, and any other ground-disturbing activities would be placed to avoid direct impacts to cultural resources. A professional archaeologist would assist the pole-siting crew in avoiding impacts to cultural resource sites. In cases where avoidance of sites is not feasible, a site-specific Treatment Plan and Data Recovery Plan would be developed in consultation with tribes, the appropriate land-managing agencies, and the Arizona SHPO. These plans will include an appropriate Plan of Action to implement the Native American Graves Protection and Repatriation Act. A Discovery Plan would be developed to establish procedures to be followed in the event of discovery of unanticipated cultural resources, and a Monitoring Plan would address issues of site protection and avoidance.

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cont.

interdependent part of the proposed project, it should be addressed within the scope of this EIS [40 CFR 1508.25 (a)].

Recommendation:

The FEIS should include an analysis of the impacts from the transmission line that would be constructed between TEP's Gateway Substation and Citizens' Valencia Substation.

Alternatives Analysis

The action alternatives considered in the DEIS (the Western, Central and Crossover corridors) appear to be both feasible and reasonable, in accordance with CEQ regulations [40 CFR 1502.14]. The DEIS presents sufficient information to justify the elimination of several other alternatives from further consideration.

7

TEP (the project applicant) selected the Western Corridor as its Preferred Alternative. The DEIS states that DOE, the lead federal agency, selected that same corridor as its Preferred Alternative based on the preference expressed by TEP and the Arizona Corporation Commission (ACC) decision. However, there is no underlying basis given for the selection of the Western Corridor as the Preferred Alternative. Based on information provided, it appears that the Central Corridor has the least overall adverse impact on the environment.

Recommendations:

The FEIS should clearly explain the process and underlying rationale for the selection of the Preferred Alternative, and identify the environmentally preferred alternative in the Record of Decision (ROD) [40 CFR 1505.2(b)].

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Comment No. 5

Section 1.1.1, The Proposed Action, has been revised in the Final EIS to clarify that the 345-kV transmission line that TEP proposes to construct would go just across the U.S.-Mexico border, where it would likely connect to another transmission line. CFE and TEP will jointly determine what entity is responsible for designing and constructing the portion of the connecting transmission line in Mexico. The most likely entity to be responsible for the construction in Mexico is CFE, although it is possible that TEP may construct a portion of the transmission line in Mexico. The specific routing of the connecting transmission line between the U.S.-Mexico border and the existing Santa Ana Substation in Mexican has not yet been determined.

The National Environmental Policy Act (NEPA) does not require an analysis of environmental impacts that occur within another sovereign nation that result from approved actions by that sovereign nation. Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (44 FR 1954, January 4, 1979) provides that extraterritorial NEPA review be conducted under certain circumstances, and not under others. The Executive Order does not require Federal agencies to evaluate impacts outside the United States when the foreign nation is participating with the United States or is otherwise involved in the action [Section 2-3(b)]. Here, the Mexican government will evaluate the environmental impacts associated with the proposed project and will have to issue permits authorizing any construction and operation within Mexico. In addition, the Federal action does not affect the global commons (e.g., outer space or Antarctica), and the Federal action does not produce a product, emission, or effluent that is "prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk," or which involves regulated or prohibited radioactive materials.

The Federal action evaluated in the EIS is only to permit the transmission lines to be built in the United States, not in Mexico. The agencies' position in this regard (1) is consistent with applicable Federal laws, including the generally held legal presumption that Acts of Congress do not ordinarily apply outside U.S. borders; (2) avoids the appearance of the assertion of extraterritorial control over actions that were approved by and occur within the lands of another sovereign nation; and (3) prevents interference in the

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SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Comment No. 5 (continued)

foreign relations of the United States. Application of this policy is particularly appropriate where, as here, the power lines will be located in Mexico and the foreign sovereign itself will have both reviewed the environmental impacts of the projects and approved them.

Section 4.8.3, PM₁₀ Contributions from Transmission Line Construction in Mexico, in the EIS analyzed air quality impacts in the United States that could result from construction of a connecting transmission line in Mexico. Any additional actions or growth that could occur as a result of a new transmission line in Mexico, and any resulting environmental effects, are speculative and not included in this EIS.

Chapter 5 of the EIS presents an analysis of cumulative impacts, as required under NEPA, which could occur as a result of the potential impacts of TEP's proposed project when added to impacts from other past, present, and reasonably foreseeable future actions. Where specific information was available on past, present, and reasonably foreseeable future actions, it was included in the EIS. With respect to transboundary effects specifically, Section 5.3.8 has been added to the Final EIS to discuss air quality in the area of the U.S.-Mexican border. Additionally, Section 4.8.3, PM₁₀ Contributions from Transmission Line Construction in Mexico, in the EIS analyzes air quality impacts in the United States that could result from construction of a connecting transmission line in Mexico. Any additional actions or growth that could occur as a result of a new transmission line in Mexico, and any resulting environmental effects, are speculative and not included in this EIS.

Comment No. 6

The Final EIS has been amended to include full description of the affected environment (Chapter 3) and analysis of potential environmental impacts (Chapter 4) of the interconnection between the Gateway and Valencia Substations in Nogales, Arizona that is common to all three action alternatives.

Comment No. 7

Section 1.4 of the Final EIS discusses the rationale for DOE's identification of a preferred alternative in the Draft EIS and identifies the preferred alternative designated by each Federal agency. Section 1.6.6 explains that the decisions of each Federal agency will be explained in their respective RODs, or as a letter of concurrence in the case of the USIBWC. Per CEQ Requirements, the ROD of each Federal agency will identify: (1) the alternatives considered, (2) which action alternatives the agency deems to be environmentally the most preferable, and (3) the other factors that the agency considered in making its ultimate decision.

University of Arizona, Department of Geography
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Tucson Electric Power Line

From: amy eisenberg [SMTP:dramyeis@yahoo.com]
To: Pell, Jerry
Cc:

Subject: Tucson Electric Power Line
Sent: 9/22/2003 9:41 PM
Importance: Normal
Dear Jerry

1

We are highly opposed to the Tucson Electric Power Line and the environmental degradation that will ensue. I urge you to consider the opposition to this project and the damaging effects on the biodiversity of the region. The area involved is a highly specialized ecosystem for a variety of rare and threatened unique species. Thank you for the opportunity to express my steadfast opposition and deep concern. The academic community is not in support of this development.

Sincerely,

Dr. Amy Eisenberg
Department of Geography
University of Arizona
Tucson, Arizona 85721
(520) 319-2802

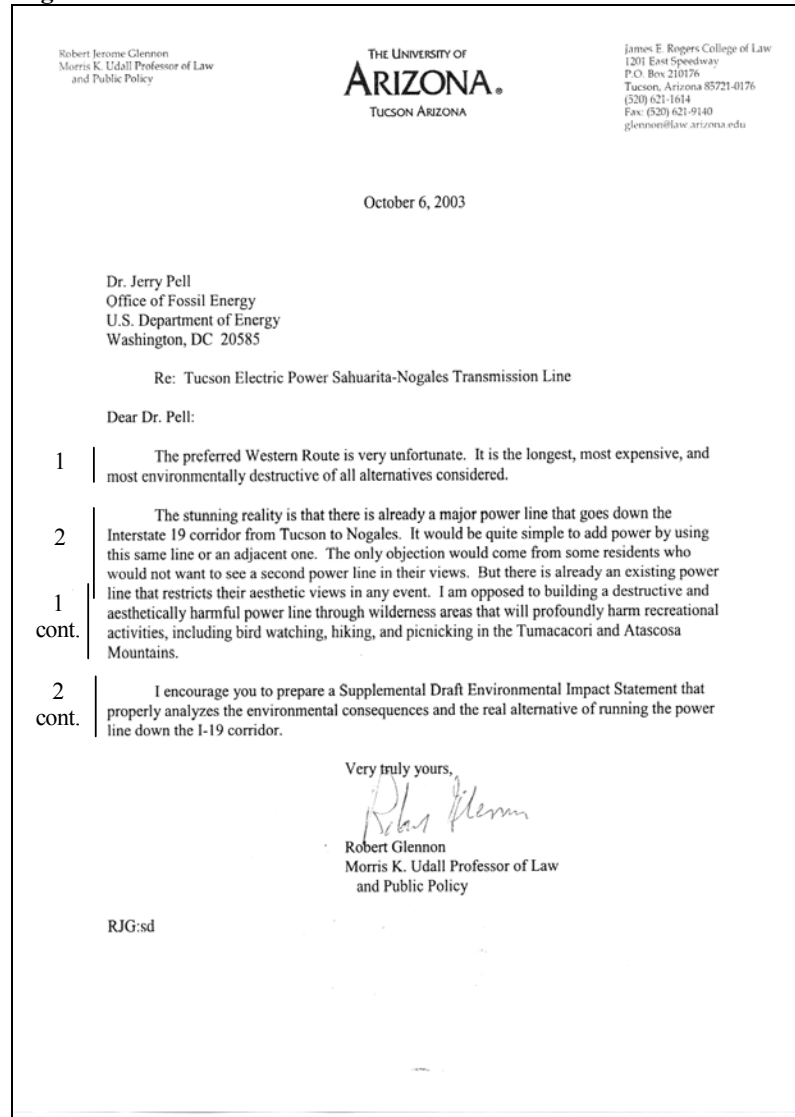
Do you Yahoo!??
Yahoo! SiteBuilder - Free, easy-to-use web site design software

Comment No. 1

Chapter 3 describes the affected environment of the area by resource area, and Chapter 4 evaluates the potential environmental impacts of the proposed project on each of these resources.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to biodiversity (Section 4.3.1) and special status species (Section 4.3.3).

University of Arizona, Morris K. Udall Professor of Law and Public Policy
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Comment No. 1

Section 1.4 of the Final EIS discusses the rationale for DOE's identification of a preferred alternative in the Draft EIS and identifies the preferred alternative currently designated by each Federal agency. Section 1.6.6 explains that the decisions of each Federal agency will be explained in their respective RODs, or as a letter of concurrence in the case of the USIBWC. Per CEQ Requirements, the ROD of each Federal agency will identify: (1) the alternatives considered, (2) which action alternatives the agency deems to be environmentally the most preferable, and (3) the other factors that the agency considered in making its ultimate decision.

Chapter 3 of the EIS describes the potentially affected environment (including the Western and Crossover Corridors within the Tumacacori and Atascosa Mountains, and the Central Corridor along their eastern edge), and Chapter 4 analyzes potential impacts to these areas, including potential impacts on visual and recreational resources (Sections 4.2 and 4.1.2, respectively).

Comment No. 2

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the roles of TEP and the Federal agencies in developing alternatives for the proposed project. In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

Comment No. 2 (continued)

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

The commentor's suggestion of adding an extra transmission line to the existing I-19 support structures alternative was considered but eliminated from further analysis in the EIS. As described in Section 2.1.5, combining different transmission lines onto a single set of support structures would mean that a problem with one structure (for instance, a wildfire in the area) would affect multiple transmission lines, thus potentially decreasing electrical reliability. Likewise, the commentor's suggestion of building a transmission line adjacent to the existing transmission line in the I-19 corridor was considered but eliminated from further analysis in the EIS (see Section 2.1.5 of the EIS which discusses the elimination of the Eastern Corridor and the I-19 Corridor, both similar to the commentor's suggestion).

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all other applicable laws and regulations. The Federal agencies have determined that the Draft EIS does not need to be recirculated for additional review.